

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Level 12 Productions, Inc.,

Plaintiff,

v.

Mediaite, LLC,

Defendant.

24-CV-6 (DEH)

ORDER

DALE E. HO, United States District Judge:

On February 12, 2024, Defendant filed a motion to dismiss the Complaint. *See* ECF No. 12. On March 4, 2024, Plaintiff filed the First Amended Complaint. *See* ECF No. 16. On March 22, 2024, Defendant filed a motion to dismiss the First Amended Complaint. *See* ECF No. 20. The parties have since completed discovery and have indicated to the Court that they intend to file cross motions for summary judgment. *See* ECF No. 32.

A conference in this matter was held on September 18, 2024. During the conference, the parties reiterated their intent to file cross-motions for summary judgment and agreed that summary judgment presents a better vehicle for resolving the issues presented in Defendant's motion to dismiss. Accordingly, it is hereby **ORDERED** that Defendant's motion to dismiss the First Amended Complaint is **DENIED** as moot, without prejudice to the merits. The parties shall file a proposed summary judgment schedule and propose page limits for their briefings **by September 25, 2024**.

The Clerk of Court is respectfully directed to close ECF Nos. 20 and 21.

SO ORDERED.

Dated: September 18, 2024
New York, New York

A handwritten signature in black ink, appearing to read 'Dale Ho', is positioned above a horizontal line.

DALE E. HO
United States District Judge